



DRAFT

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**MINUTES OF THE SPRINGDALE PLANNING COMMISSION WORK MEETING
ON WEDNESDAY, MAY 2, 2018, AT 5:00PM
AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.**

Meeting convened at 5:01 PM

MEMBERS PRESENT: Chair Joe Pitti, Suzanne Elger, Jerry Giardina, and Mike Marriott

EXCUSED: Allan Staker, Cindy Purcell

ALSO PRESENT: DCD Tom Dansie, and Deputy Town Clerk Katy Brown recording. Please see attached list for citizens signed in.

Approval of Agenda: Motion made by Mike Marriott to approve the agenda; seconded by Suzanne Elger.

Elger: Aye

Pitti: Aye

Giardina: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion and announcements: Mr. Pitti asked about where residents would place trash cans on SR-9 since the bike lines had taken effect.

- Mr. Dansie did not know and agreed to follow up and report back.

Mr. Marriott asked about where RV parking was allowed in Town.

- Mr. Dansie replied that Lion Blvd would likely be made available to RV parking, possibly as early as Memorial Day weekend.

Mr. Marriott asked about the wood posts connected by ropes that lined the bike path on the South end of Springdale.

- Mr. Dansie replied that the Town was bound to operate within restraints of what UDOT would approve but the Town was interested in hearing other ideas for replacement materials in the future.

Mr. Pitti mentioned that the Earth Day Celebration in April seemed to have been a success and lent his gratitude for all the volunteers and supporters who helped make it happen.

Discussion/Non-Action Items

Continued discussion on ordinance revisions – Gated access into subdivisions: Mr. Dansie reviewed the Council's directive to the Commission to either redefine "compelling need" or remove it altogether. He summarized the Commission's previous deliberations and suggested three courses of action. 1) Remove the compelling need language and outrightly prohibit gates, 2) Continue to redefine compelling need and allow gates if the applicant could demonstrate such, and 3) Remove the prohibition of gates entirely but still develop specific standards. He mentioned that choosing to prohibit gates altogether still left the option open for a subdivision to apply for a variance. The process for granting a variance required an applicant to submit proof, under stringent State guidelines, that special circumstances combined with the ordinance had created an unreasonable hardship for the subdivision.

Ms. Elger asked how the variance application process and requirements were any different from an applicant demonstrating a compelling need.

- Mr. Dansie said that the qualifications were very stringent and included five standards which all had to be met in full to grant the variance.

Mr. Marriott was under the impression that the Commission had committed to defining standards under which gates would be allowed.

Ms. Elger noted that the motion given to the Commission was to define compelling need or remove the language. She felt that defining compelling need had proven very difficult for the Commission. If they succeeded in defining it there would still be a huge administrative burden on the applicant and staff reviewing the application.

Mr. Marriott found that the language discussed so far for defining compelling need was something the Commission could work with and was in favor of continuing that process.

Mr. Pitti referred to Chapter 2.1 of the General Plan regarding Village Atmosphere where it states “The negative impacts of gated streets and communities are numerous. Gated streets are a detriment to a sense of community, furthering instead a sense of isolation and exclusion.” He was not in favor of further separating the sense of community. He understood homeowners wanting a sense of security but failed to see the necessity for gates in a community like Springdale.

Mr. Marriott asked if the Town had ever sought legal council at the time original ordinance was adopted.

- Mr. Dansie said that their legal team’s analysis in 2009 found that the ordinance was a legitimate exercise of government power to regulate access as long as the Town’s interests were documented and found to be for the benefit of the public.

Mr. Pitti spoke on 10-14-9(C)(3)(c)(ii) of the proposed ordinance. He felt that the requirement to provide documentation of an increase in traffic should have more language about how an analysis would be performed and who would be responsible for it. He also thought more clarity could be brought to 10-14-9(C)(3)(c)(iii) regarding road maintenance. He was willing to discuss these considerations further.

- Ms. Elger still felt the compelling need language should either be defined or removed completely. She agreed with Mr. Pitti and was willing to revisit the language for defining a compelling need.

The Commission agreed to present the proposed language in 10-14-9, which included the clarified language on demonstrating a compelling need, to a public hearing.

- Mr. Dansie offered to update according to the Commission’s discussion and distribute the changes to the Commission via email. The public hearing would then take place at the regular meeting in June.

Continued discussion on ordinance revisions – Impound Vehicle Holding Area: Mr. Dansie reviewed that the Commission seemed to agree on the language “holding area” rather than labeling it “impound”. He mentioned that the language change was complimentary to how the Police Department currently managed temporary vehicle holds.

Ms. Elger made a note to change the language at the very top of the ordinance to replace “Impound” with “Vehicle holding area”.

Mr. Pitti asked for clarification on whether or not the parking lot owner was required to have a fenced area.

- Mr. Dansie said that a fenced area would not be required but if the parking lot owner choose to have a fenced area in their lot, that fence would need to conform to the standards in the ordinance.

Mr. Marriott questioned the necessity of the stand-alone provision found in 10-7A-4(3)(l)(1).

- Mr. Pitti felt that the discussion had been that the Commission didn’t want to see stand-alone impound lots.
- Mr. Giardina felt that it would be less conspicuous to have holding areas contained within an existing public parking lot.

- Mr. Pitti asked if the stand-alone prohibition could be separated out instead of appearing under the existing section. Mr. Dansie said he could update accordingly.

The Commission agreed to move the proposed ordinance forward to a public hearing in June.

Continued discussion on ordinance revisions – Prohibited Uses: Mr. Dansie had been informed that state property rights Ombudsman Brent Bateman had offered a different approach to prohibited uses at the recent public official training. Mr. Bateman's opinion was that a municipality could list all permitted uses in their ordinance and include language stating that anything not found on the permitted list is automatically assumed prohibited. The Commission's approach to prohibited uses over the past year had been that anything not expressly prohibited could be considered permitted and therefore began the arduous and time-consuming process of listing all possible prohibited uses. Town Staff had recently reached out to different municipalities and found that each had widely different legal interpretations of recent Supreme Court cases regarding prohibited uses. The Commission's approach over time had captured a good mix of how other municipalities were approaching the matter. So far, they had defined specific types of uses that were strictly prohibited, but also identified broad prohibited uses by zone. He felt the current proposed ordinance covered the spectrum of interpretations. The missing component was the specificity of each use. Mr. Dansie asked the Commission to start fine-tuning some definitions for some selected uses found in 10-7A-5.

The Commission reviewed items on the list of prohibited uses and discussed changes:

ARCADE OR OPERATED AMUSEMENT VIDEO GAME CENTER: The Commission was unable to define and would revisit.

THEME PARK: The Commission discussed including mini-golf courses which contained structural components in the definition of theme parks.

WATER PARK: Ms. Elger felt it would be prudent to define a water park by size. The Commission got started on a definition: *Any recreational commercial enterprise greater than X sq. ft. in size.* Mr. Dansie agreed to do some research on appropriate size.

AUTOMOBILE SALVAGE YARD: Mr. Dansie suggested changing "salvage" to "wrecking" to match definitions found in Town Code 10-2-2. The Commission agreed.

BOWLING ALLEY: Mr. Marriott suggested defining a bowling alley as anything in excess of 2 lanes. The Commission was amenable.

CIRCUS OR CARNIVAL: The Commission discussed defining as "travelling amusement business which may or may not include mechanized rides." Mr. Dansie agreed to further refine.

LANDFILL AND GARBAGE DUMP: Ms. Elger offered a definition she had found from an internet query: "discreet area of land or excavation that is used for disposing of refuse or solid waste material by burying it and covering it over with soil."

MINI-GOLF COURSE AND DRIVING RANGE WITH FLOODLIGHTS: The Commission discussed including this item in the definition of Theme Parks.

RECREATIONAL VEHICLE PARKS AND/OR CAMPGROUNDS: Mr. Pitti was concerned that a "glamping" establishment could potentially take on an amusement park-like feel. Mr. Dansie offered that the Commission could choose to add "glamping" to the definition. The Commission agreed to prohibit glamping. Mr. Dansie agreed to refine the definition.

RETAIL TOBACCO SPECIALTY BUSINESS: The Commission asked Mr. Dansie to revise to be congruent with state law.

SKATING RINKS: The Commission discussed Ice rinks, roller rinks, and skate parks. No definitions were solidified and would be revisited.

SHOOTING RANGE: Mr. Pitti suggested defining as “An indoor or outdoor shooting, firing, archery, rifle, or pistol range or gallery used for the purpose of archery or firearms practice.”

SHOPPING MALL: Ms. Elger suggested regulating by size. Mr. Dansie said the Town already regulated size and the Commission should consider if it was important how the space inside was configured. The Commission agreed to revisit.

STORAGE ESTABLISHMENTS: The Commission discussed commercial self-storage, boat, and RV storage and agreed to revisit.

SWAP MEET AND FLEA MARKET: Mr. Dansie offered “A gathering at which enthusiasts or collectors trade or exchange items of common interest.”

- Ms. Elger offered “A place where vendors come to sell their goods.”
- The Commission discussed the general value of items as a way to differentiate between a swap meet/flea market and a festival where vendors sell goods.
- Mr. Dansie agreed to use the Commission’s discussion to craft a definition.

TATOO PARLOR: The Commission discussed possibly removing from list of prohibited uses and agreed to revisit.

Adjourn:

Motion to adjourn at 7:18 PM made by Mike Marriott seconded by Suzanne Elger.

Elger: Aye

Pitti: Aye

Giardina: Aye

Marriott: Aye

Motion passed unanimously.

Katy Brown, Deputy Town Clerk

APPROVAL: _____ DATE: _____

A recording of the public meeting is available by contacting the Town Clerk’s Office. Please call 435-772-3434 or via email at springdale@infowest.com for more information.